



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,355	04/06/2000	James A. McKeeth	MPATENT.164A	8050

24504 7590 06/02/2004

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

EXAMINER

HU, JINGSON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 06/02/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,355

Applicant(s)

MCKEETH, JAMES A.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen (US 6,026,411) in view of Morton (US 6,480,484 B2).

4. As per claim 1, Ronen teaches the invention substantially as claimed including a method of communication between a first client and a second client in a client-server network [col. 1, lines 7-10] the method comprising:

identifying the second client with a first identifier of the second client [202, Fig. 2; co. 2, lines 3-10; col. 4, lines 9-11];

determining, based on the first identifier of the second client, a second identifier of the second client [203, Fig. 2; col. 2, lines 10-13; col. 4, lines 11-14];

establishing, based on the second identifier of the second client, a

Art Unit: 2154

communication link between the first client and the second client if the second client is connected to the network [205, 207, 208, Fig. 2; col. 2, lines 13-17 & lines 21-25; col. 4, lines 17-23].

5. Additionally, Ronen teaches the step of informing the first client that the second client is not on-line based on the second identifier of the second client [205, 206, Fig. 2]. Ronen does not specifically teach the step of establishing a communication link between the first client and the interactive file of the second client if the second client is disconnected from the network.

6. Morton on the other hand teaches the step of establishing a communication link between the first client and the interactive file of the second client if the second client is disconnected from the network [col. 1, line 66 – col. 2, line 7; col. 2, lines 33-56]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ronen and Morton because doing so would take advantage of the full capabilities provided by network technologies [Morton, col. 1, lines 44-45] by allowing the first client to obtain information about the second client even the second client is off-line. One of ordinary skill in the art would have been motivated to modify Ronen's system with Morton's interactive file link step to improve the functional ability of the system.

7. As per claim 2, Ronen teaches the step of determining the second identifier includes determining a network address of the second client based on a name of the second client [202, Fig. 2; col. 2, lines 3-10].

8. As per claim 3, Ronen teaches the step of communicating a name of the second client to a domain name system (DNS) server, and obtaining an Internet protocol (IP) address of the second client from the DNS server [203, Fig. 2; col. 2, lines 10-13; col. 4, lines 11-14].

9. As per claim 4, Ronen teaches the step of updating the DNS server with a current IP address of the second client, the IP address being identifiable by the domain name of the second client [col. 4, lines 45-49 & 55-57].

10. As per claim 5, Ronen and Morton teach the invention substantially as claimed in claim 1. Both references do not specifically teach the step of temporarily redirecting DNS service of the DNS server to another DNS server when updating the DNS server. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to redirect DNS service when updating the DNS server because doing so would limit any inconvenience for client by continuing providing service to the client even when the system is loading the new data. One of ordinary skill in the art would have been motivated to modify the combination system of Ronen/Morton to bring convenience to client.

Art Unit: 2154

11. As per claims 6 and 7, Ronen and Morton teach the invention substantially as claimed in claim 1. However, both references do not specifically teach the step of monitoring arrival of a signal that indicates the second client is on/off line. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ronen and Morton because doing so would save the time for the first client by letting the first client being notified once the second client is at on-line status. One of ordinary skill in the art would have been motivated to modify the combination system of Ronen/Morton to make the communication between clients less time consume.

12. As per claims 8 and 9, Ronen teaches the invention substantially as claimed in claim 1. Ronen does not specifically teach the step of establishing a communication link between the first client and the interactive file includes accessing a Web page that is configured to provide information to the first client and allow the first client to leave a message to the second client.

13. Morton on the other hand teaches the step of establishing a communication link between the first client and the interactive file includes accessing a Web page that is configured to provide information to the first client and allow the first client to leave a message to the second client [col. 1, line 66 – col. 2, line 7; col. 2, lines 33-56]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ronen and Morton because doing so would take

Art Unit: 2154

advantage of the full capabilities provided by network technologies [Morton, col. 1, lines 44-45] by allowing the first client to communicate with the second client even the second client is off-line. One of ordinary skill in the art would have been motivated to modify Ronen's system with Morton's interactive file link step to improve the functional ability of the system.

14. As per claims 10-18, since they introduce the same limitations as claims 1-9 from two different perspectives [i.e., the first client and the second client, respectively], they are rejected under the same basis as claims 1-9.

15. As per claims 19-24, since they are system claims of claims 1-9, they are rejected under the same basis as claims 1-9.

16. As per claims 25 and 26, Ronen teaches the invention substantially as claimed including a method of communication between a first client and a second client in a client-server computer network [col. 1, lines 7-11] the method comprising:

accepting a request for communication with the first client via the network based, at least in part, on identifying the second client by an identifier that is equivalent to a network address of the second client [201-204, Fig. 2; col. 2, lines 3-17; col. 4, lines 17-22];

establishing, based on the network address of the second client, a

communication link between the first client and the second client if the second client is connected to the network [208, Fig. 2; col. 21-25; col. 4, lines 21-23].

17. Additionally, Ronen teaches the step of informing the first client that the second client is not on-line based on the second identifier of the second client [205, 206, Fig. 2]. Ronen does not specifically teach establishing a communication link between the first client and the interactive file of the second client if the second client is disconnected from the network.

18. Morton on the other hand teaches the step of establishing a communication link between the first client and the interactive file of the second client if the second client is disconnected from the network [col. 1, line 66 – col. 2, line 7; col. 2, lines 33-56]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ronen and Morton because doing so would take advantage of the full capabilities provided by network technologies [Morton, col. 1, lines 44-45] by allowing the first client to obtain information about the second client even the second client is off-line. One of ordinary skill in the art would have been motivated to modify Ronen's system with Morton's interactive file link step to improve the functional ability of the system.

19. As per claims 27 and 28, since they introduce the same limitations as claims 25-26 from two different perspectives [i.e., the first client and the second client, respectively], they are rejected under the same basis as claims 25-26.

Conclusion

20. Applicant's arguments with respect to claims 1-28 have been fully considered but they are not deemed to be persuasive.

21. In the remarks, applicant argued in substance that (1) it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize the present invention in view of the teaching of Ronen and Morton; (2) there is no motivation combine the teaching of Ronen and Morton; (3) Morton does not teach establishing a communication link between the first client and the interactive file of the second client if the second client is disconnected from the network.

22. Examiner respectfully traverses applicant's remarks:

A. As to points (1) and (2), applicant fails to consider the teaching of Ronen for determining whether the destination party is on-line. Ronen does not teach how to handle the situation when the second client is off-line. However, Morton on the other hand teaches the step of providing a paging service for the first client [i.e., calling party] to contact the second client [i.e., called party] when the second client is not on-line, wherein the message sent to the second client including the information collected from the first client, and then allowing the first client to retrieve the information about the

Art Unit: 2154

second client which the second client wishes to release [col. 6, line 52 – col. 7, line 20].

Including the teaching of Morton into Ronen's system would make the combination system perform the same function as the applicant claimed in claim 1. The combination is based on logical and technical reason, which can be recognize by a person of ordinary skill in the art at the time the invention was made. It is not based on the hindsight as the applicant argued.

B. As to point (3), applicant fails to consider the teaching of Morton for providing a paging service for the first client [i.e., calling party] to contact the second client [i.e., called party] when the second client is off-line, wherein the message sent to the second client including the information collected from the first client, and then allowing the first client to retrieve the information about the second client which the second client wishes to release [col. 6, line 52 – col. 7, line 20]. Thus, Monton does teach establishing a communication link between the first client and the interactive file of the second client if the second client is disconnected from the network.

Accordingly, Ronen and Morton are relevant prior art references.

23. THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2154

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.


26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for this Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

May 28, 2004


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100